

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

**SUSAN KAY WEST**

**PLAINTIFF**

**VERSUS**

**CIVIL ACTION NO. 1:10CV142-HSO-JMR**

**MICHAEL J. ASTRUE,  
COMMISSIONER OF SOCIAL SECURITY**

**DEFENDANT**

**ORDER ADOPTING REPORT AND RECOMMENDATION  
AND DENYING PLAINTIFF'S MOTION FOR REVERSAL**

This cause comes before the Court on the Report and Recommendation [12] of Chief United States Magistrate Judge John M. Roper entered in this cause on July 22, 2011, and on the Plaintiff's Motion for Reversal [11] pursuant to 42 U.S.C. § 405(g) filed on June 21, 2011. Judge Roper recommended that the Commissioner's decision be affirmed and that Plaintiff's Motion [11] be denied. *See* Report and Recommendation, at p. 13. A copy of the Report and Recommendation was mailed to Plaintiff at her last known address by certified mail, return receipt requested, on July 22, 2011, and was received by Plaintiff. *See* July 22, 2011, Docket Entry; Acknowledgment of Receipt [13]. Plaintiff has not filed any objection to the Magistrate Judge's Report and Recommendation to date.

Based on the record before this Court, and having conducted the required review of the Report and Recommendation, the Court is of the opinion that the findings of fact and conclusions of law of the Magistrate Judge are neither clearly erroneous or contrary to law. *See* 28 U.S.C. § 636(b)(1). The Court finds that the Magistrate Judge properly recommended that the decision of the Commissioner be

affirmed and that Plaintiff's Motion for Reversal [11] be denied. The Court further finds that, for the reasons stated herein, the Report and Recommendation [12] of Chief United States Magistrate Judge John M. Roper entered in this cause on July 22, 2011, should be adopted as the finding of this Court.

**IT IS, THEREFORE, ORDERED AND ADJUDGED** that, the Report and Recommendation [12] of Chief United States Magistrate Judge John M. Roper entered on July 22, 2011, be, and the same hereby is, adopted as the finding of this Court.

**IT IS, FURTHER, ORDERED AND ADJUDGED** that, Plaintiff's Motion for Reversal [11] filed on June 21, 2011, should be and hereby is **DENIED**.

**IT IS, FURTHER, ORDERED AND ADJUDGED** that, the decision of the Commissioner should be and hereby is **AFFIRMED**. A separate judgment will be entered in accordance with this Order as required by Federal Rule of Civil Procedure 58.

**SO ORDERED AND ADJUDGED**, this the 23<sup>rd</sup> day of August, 2011.

*s/ Halil Suleyman Ozerden*

HALIL SULEYMAN OZERDEN  
UNITED STATES DISTRICT JUDGE